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Guardian Ad Litem for Armani Coleman

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GERALDINE CHAVEZ, GUARDIAN AD)	CASE NO. 13-04532 VC
LITEM FOR ARMANI COLEMAN,)	
)	
Plaintiff,)	JOINT STIPULATED REQUEST FOR ORDER
)	CHANGING TIME AND PROPOSED ORDER
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

1 Defendant United States of America (“Defendant”) and Plaintiff Geraldine Chavez, Guardian Ad
2 Litem for Armani Coleman (“Plaintiff”), by and through their respective counsel, stipulate to extend the
3 time for Defendant to respond to Plaintiffs’ Complaint pursuant to Civil Local Rule 6-1(a) of the
4 Northern District of California, as follows:

5 1. On October 1, 2013, Plaintiffs filed their Complaint for Wrongful Death (“Complaint”).
6 Dkt. No. 1.

7 2. On December 9, 2013, Defendant filed its Answer. Dkt. No. 14.

8 3. On January 29, 2014, this Court entered a Civil Pretrial Order. Dkt. No. 21 setting the
9 following dates:

10 Discovery cutoff: September 26, 2014

11 Expert disclosure: October 10, 2014

12 Expert discovery cutoff: November 14, 2014

13 Motions heard by: January 7, 2015

14 Pretrial Conference: March 30, 2015 at 2:00 p.m.

15 Trial: April 13, 2015 at 8:30 a.m. by Jury

16 4. In conformance with the schedule, Plaintiff and Defendant have propounded written
17 discovery and scheduled the deposition of Geraldine Chavez.

18 5. On June 2, 2014, this Court granted the parties stipulated request to extend the ADR
19 deadline to July 31, 2014. *See* Dkt. No. 23. In conformance with this deadline the Parties agreed to a
20 private mediator and selected a mediation date in July. In light of the recent filings outlined below,
21 however, this mediation has been taken off calendar.

22 6. On June 19, 2014, Plaintiff file a Motion for Appointment of Guardian Ad Litem and a
23 Motion to Join Additional Party Defendant and to File Amended Complaint. Dkt. Nos. 25, 26.
24 Defendant filed Statements of Non-Opposition to both Motions. Dkt. Nos. 29, 30. A hearing on these
25 motions is set for July 31, 2014.

26 7. As set forth in detail in Plaintiff’s Motion and Defendant’s Statement of Non-Opposition,
27 California’s wrongful death statute provides for one cause of action for all heirs. Because Decedent
28 Natasha Carmen Carmona Coleman was legally married at the time of her death, and because the time

1 for her surviving spouse, Nathaniel Coleman, to bring a claim against the United States has not run, he is
2 a necessary party to this action. Plaintiff's counsel has requested that Mr. Coleman voluntarily join this
3 action but he has failed to respond. If Mr. Coleman is not joined as a party defendant in the alternative,
4 the United States may be exposed to a second action regarding the same claims in the future. The
5 United States cannot participate in mediation without resolving this issue.

6 8. Because the parties cannot mediate this case in Mr. Coleman's absence, the parties
7 respectfully request that the Court vacate the current ADR deadline of July 31, 2014, and reset it for
8 October 31, 2014.

9 9. Because the parties cannot complete discovery, either with regard to the facts of this
10 matter or expert discovery, without Mr. Coleman, the parties respectfully request that the Court vacate
11 the previous Civil Pretrial Order and enter the following case management dates, each of which has been
12 extended by six months past the original date:

13 Discovery cutoff: March 26, 2015

14 Expert disclosure: April 10, 2015

15 Expert discovery cutoff: May 14, 2015

16 Motions heard by: July 9, 2015

17 Pretrial Conference: September 29, 2015 at 1:00 p.m.

18 Trial: October 12, 2015 at 8:30 a.m. by Jury

19 10. Due to these extenuating circumstances, and in order to address this issue and proceed
20 with resolution of this matter, the parties hereby stipulate and respectfully request that the Court reset
21 the case management deadlines in this matter to allow time for Nathaniel Coleman to be added as a party
22 defendant, service, and his appearance. Once Mr. Coleman is a party to this matter, the Parties will be
23 able to proceed to mediation and to complete discovery. To the extent that the Court wishes to discuss
24 these matters with the Parties, they respectfully request that it schedule a Status Conference on July 31,
25 2014, the date on which Plaintiff's Motions to Appoint a Guardian Ad Litem as well as Join Additional
26 Party Defendant and to File Amended Complaint are scheduled for hearing.

27 IT IS SO STIPULATED.

28 ///

1 DATED: July 8, 2014

By: /s/ Robert Levin

ROBERT LEVIN

Attorney for Plaintiff

2
3
4 DATED: July 8, 2014

MELINDA HAAG

United States Attorney

5 By: /s/ Rebecca A. Falk

6 REBECCA A. FALK¹

7 Assistant United States Attorney

Attorneys for Federal Defendant

8 **~~PROPOSED~~ ORDER**

9 Pursuant to the stipulation by the parties, and good cause having been shown, it is hereby ordered
10 that the ADR deadline in this matter is extended to October 31, 2014, and that the Case Management
11 deadlines in this matter are extended as follows:

12 Discovery cutoff: March 26, 2015

13 Expert disclosure: April 10, 2014

14 Expert discovery cutoff: May 14, 2014

15 Motions heard by: July 9, 2015

16 Pretrial Conference: September 29, 2015 at 1:00 p.m.

17 Trial: October ¹³~~12~~, 2015 at 8:30 a.m. by Jury

18
19 **IT IS SO ORDERED.**

20
21 DATED: July 31, 2014


HONORABLE VINCE CHHABRIA

UNITED STATES DISTRICT COURT JUDGE

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27
28 ¹ I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatory listed here.